

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** May 22, 2002

**TO:** Orange County Planning Commission

**FROM:** Planning & Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0010 for Site Development Permit

**PROPOSAL:** Construction of 22 single-family homes on a 3.4-acre site utilizing the limited home occupation guidelines of the "Home Based Business Enclave" (HBBE) regulations established previously for the Ladera Planned Community. The HBBE is similar to the County's general "home occupation" regulations, but permits a business to be operated in the residence with the use of non-family employees and limited business signage. The proposal includes a Sign Program and a Model Homes Sales Complex.

**LOCATION:** In the Avendale area (Planning Area 3, Subarea 3-B) of the Ladera Planned Community, east of Sienna Parkway. Fifth Supervisorial District.

**APPLICANT:** DMB Ladera LLC and Rancho Mission Viejo, property owners  
Standard Pacific, builder/developer  
Jay Bullock, Planning Solutions, Inc., agent

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division staff determined that the proposal complies with the site development standards in Planning Area 3 and the special requirements for development of the HBBE and recommends Planning Commission approval of PA02-0010 for Site Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site is located in Planning Area 3, Subarea 3B, of the Ladera Planned Community, and has a land use designation of "Residential". This area is being developed and marketed as the *Avendale Village*. A majority of this development is still under construction. The 3.4-acre site is vacant and graded. Area Plan AP99-02 (processed through Planning Application PA99-0062) created a provision for allowing a limited number of residential units to have home occupations under what is called a "Home Based Business Enclave" (HBBE).

The HBBE concept approval would allow opportunities for small, entrepreneurial business owners to operate out of their homes, or in facilities on the same lot as their homes, within the context of a neighborhood geared toward the special needs of home based business owners. The maximum land area

designated for the HBBE is 20 acres and a maximum of 120 dwelling units. These totals are a part of the maximum residential acres and units included within sub-area 3-B, and are not in addition to. While the uses within the proposed Home Based Business Enclave would be generally consistent with the Ladera P.C. Section III.F.4, and “Home Occupations”, Section 7-9-146.6 of the Zoning Code, parking and signage would generally not be allowed. Therefore, the HBBE was defined further via an Area Plan approval that included a requirement for Planning Commission approval of a Master Site Development Permit, per the list of proposed development standards and required studies included within Section 3.2 of the Area Plan for Planning Area 3B. A discussion of the HBBE development standards is presented later in this report.

The HBBE site is trapezoidal in shape and surrounded by the streets of Sienna Parkway, Daisy St., Gilly Flower St. and Zinnia St. All 22 homes in the proposal are two-story and with the fronts of each building site facing the surrounding streets. Access to the homes’ two-car garages will be from a 24 feet wide alley off Gilly Flower St., which creates a vehicular circulation pattern forming a central open space area with bay parking for 20 vehicles. Additional parking is available on each of the surrounding streets and in a special drive adjacent and parallel to Sienna Parkway with 10 parking spaces. Each residence has an area set aside for use as office/studio area on the ground level or an upper level for conducting a business. This project will be marketed under the name of *Front Street*.

The homes proposed in this project are all two story. There are four model types ranging in size from 2,562 square feet of living area with 4 bedrooms and 2 ½ baths to 2,905 square feet with 4 bedrooms and 3 ½ baths. Each home has an office area on the first level or second level with sizes ranging from 456 square feet to 678 square feet. The homes with offices on the first floor also provide a handicap accessible bathroom.

**SURROUNDING LAND USE:** (also see Exhibit 5)

Direction	Planning Area	Land Use Designation	Existing Land Use
Project Site	3 (subarea 3B)	Residential	Vacant
North	3 (subarea 3B)	Park	Vacant
South	3 (subarea 3B)	Residential	Vacant
East	3 (subarea 3B)	Residential	Residential under construction
West	3 (subarea 3A)	Residential	Vacant

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 9 County Divisions. As of the writing of this staff report, no

comments raising issues with the project have been received from other County divisions that could not be addressed through conditions of approval. Building Permits Services Division originally had some concerns with the proposal with regards to ADA and building code requirements, but their concerns have been addressed through project re-design as presented to the Planning Commission.

## CEQA COMPLIANCE:

The proposed project is covered by Final EIR 555, previously certified on October 17, 1995, and Addendum PA990062 (Exhibit 2). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

## DISCUSSION/ANALYSIS:

As previously mentioned, with some exceptions, the HBBE standards are similar to the Zoning Code standards for home occupations as shown in the following:

### Zoning Code Section 7-9-146.6 standards

- (1) There shall be no exterior evidence of the conduct of a home occupation.
- (2) A home occupation shall be conducted only within the enclosed living area of the dwelling unit.
- (3) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
- (4) ***Only the residents of the dwelling unit may be engaged in the home occupation.***
- (5) There shall be no sale of goods not produced on the premises.
- (6) The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
- (7) ***There shall be no signs.***
- (8) Required residential off-street parking shall be maintained.
- (9) ***A home occupation shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.***

### HBBE standards

- a) Allowed uses include, but are not be limited to, tax preparation, accounting, financial, architecture, graphics and arts, attorney, chiropractor, internet or web oriented businesses, or any other similar uses which do not require intensive customer traffic.
- b) Prohibited uses include medical, dental, veterinarian, tattoo parlors, fortune tellers, and all uses prohibited by Ladera Ranch P.C. Section 111G. In addition, no hazardous materials would be allowed.
- c) Hours of operation for businesses serving customers on-site shall be 7:00 am to 7:00 p.m.
- d) A master site plan shall be prepared delineating proposed lots, internal and external building relationships within the Home Based Business Enclave and the relationship between proposed residential and business uses, parking, signage and the local circulation system and surrounding land uses.

- e) A parking study shall demonstrate that the unique requirements of each type of potential occupational use within the Home Business Enclave will be compatible with surrounding public roads and/or surrounding neighborhoods.
- f) A signage program shall be submitted as part of the site development permit application package, addressing proposed monument, ladder and/or individual property signage.
- g) The plot plan shall include details and elevations specifically addressing the compatibility of the proposed Home Based Business Enclave with adjacent roadways and surrounding neighborhoods.

As shown above, the most significant differences between the Zoning Code home occupation standards and the HBBE standards are highlighted numbers (4), (7) and (9). The HBBE standards do allow employees that are not residents of the dwelling, which is not permitted by Zoning Code standard number (4). The HBBE standard does permit signage, which is not permitted under (7). The applicant has submitted a preliminary sign program as required by HBBE standards. However, a condition of approval requires the applicant to submit a detailed sign program for this proposal. Lastly, it is planning staff's interpretation of Zoning Code standard (9) for home occupations that customers coming to the residence could create an increase in traffic, therefore customers are not permitted to come to the residence. HBBE permits customers or clients to come to the residence but limits business hours. To provide for customers or clients, additional on-site parking is provided for 20 vehicles on the interior of the project as shown on the project site plan.

As shown in HBBE standards a) and b) above, a list of permitted and prohibited uses has been established for this proposal. It is important to note that retail sales are not permitted within the HBBE project area. The applicant has expanded this list to further limit the business uses permitted. A chiropractor business has been deleted from the current list of permitted uses. The permitted and prohibited uses are incorporated in the CC&Rs of the tract. Exhibit 2 is the proposed list of business uses permitted. The site plan submitted addresses other development standards. The applicant has submitted the required parking study and Traffic Review Section has reviewed the anticipated parking demand and agrees with the assumptions. It should be noted that this project is the first of its kind and there is no established parking standard. However, the design incorporates additional available parking above what is required for single-family residential and staff is of the opinion that the parking provided should be adequate to accommodate the proposed HBBE development.

In addition to HBBE standards, the dwelling area subject to the residential site development standards of the Ladera PC. Following are two charts showing the applicable site development standard and projects conformance.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
Net project density	Less than 9 units/acre	6.5 units/acre
Building lot area	3,000 square feet	3,676 square feet (4,200 square feet average)
Building height	35 feet maximum	23'-6" to 26'-4"

Setback, Front	5' min. from property line	12 feet minimum
Setback, Rear Garages Residence	5' or less, or 17' or more 10 feet	3 feet 15 feet (Zoning Code Section 7-9-127 allows a rear yard setback on an alley to be measured from the centerline of the alley with a minimum setback of 15 feet)
Setback, Side From street	10 feet aggregate total 5 feet	10 feet aggregate total minimum 10 feet

<b>Parking</b>	<b>Required</b>	<b>Provided</b>
Covered	44 (2/dwelling unit)	44 (2/dwelling unit) *
Open including guest and spaces for homes with driveway lengths less than 17'	22	44 available on adjacent streets
Customer parking	No established requirement	20 on site and 22 on adjacent streets
Total parking spaces available	66	108

\* Some models have oversize garages with an additional space that could accommodate a small car. Since these additional spaces do not conform to a standard parking space, they were not counted towards the overall parking space count.

### Model Home Sales Complex

A model homes sales complex is proposed for this project. The complex is located in the southern half of the project adjacent to Sienna Parkway. Three model homes with a sales office are proposed on lots 14, 15 and 16 of the tract. A parking area for ten cars is located on a private drive adjacent to and parallel to Sienna Parkway. This parking area will become permanent when the model complex is finished. A portable handicap accessible restroom structure is shown on the model complex site plan located in the alley adjacent to one of the models. Since the model type being used is equipped with a handicap accessible restroom, the portable restroom structure will not be required. The model complex includes the typical informational and directional signage along with flags and pennants (a total of ten) and both permanent and temporary landscaping. The total time permitted for a model complex is three years. This includes an initial approval period of two years with an extension of time that may be granted not to

exceed a period of additional year. The proposed model complex conforms to the standards for a model complex.

## **CONCLUSION:**

This proposal for a Home Based Business Enclave is representative of the developer's desire to present unique opportunities within Ladera Ranch. It must be noted that the operation of a "Home Occupation" is currently allowed in all residential districts within Orange County, Section 7-9-146.6 of the Orange County Zoning Code. The current request is substantially consistent with the current zoning code section, with the exception of proposed on-site parking, signage, potential increase in vehicular and pedestrian traffic, and the limitation that the "home occupation" be confined to the living area of the dwelling.

The purpose of this Site Development Permit is to provide staff and the Planning Commission the opportunity to review the proposal for conformity with the site's applicable residential site development standards and the additional standards of the HBBE. Additionally, this Site Development Permit provides the Planning Commission with detailed information to confirm whether the proposal clearly defines the operational characteristics and limitations established for the Home Based Business Enclave as envisioned when Area Plan AP99-02 was approved. Staff review of the proposal determined that the proposal conforms to all applicable site development standards of the residential land use designation and the special standards of the HBBE.

The proposal is designed to merge into the surrounding and proposed residential developments. When the proposal is seen from the surrounding streets, except for small signs, the design of the project is typical of Ladera residential development. One feature of the proposal is that the individual dwelling units can be accessed from either the frontage street or by the community alleyways in the rear. Another feature of the site is that it is located across the street from a park providing open spaces area for the residents. Additionally, the proposal provides a small private open space area in the center of the homes.

Staff is generally supportive of this enclave proposal. Staff believes that the proposal will provide a unique opportunity for the community to create a certain quality of life for property owners within the business enclave. Since the proposal appears to conform to Planning Commission approved criteria for establishing a HBBE, staff supports the proposal and make a recommendation for approval as follows.

**RECOMMENDED ACTION:**

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA02-0010 for Site Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager  
Current Planning Services Division

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**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Proposed Business Use Restrictions for CC&Rs.
3. Proposed Preliminary Sign Program
4. Environmental Documentation
5. Site photos
6. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.